HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 1243 (S./S) 2005

Smt. Hema Pathak W/o Sri P.C. Pathak,
R/o village Talli Dewtoli, Post Kameridevi,
District Bageshwar. ---Petitioner.

Vs.

1. District Education Officer Bageshwar,
   District Bageshwar,
2. Principal, Govt. Inter College,
   Benlekh, district Bageshwar. ---Respondents.

Sri Kailash Ch. Tewari, learned for the petitioner.
Learned Standing Counsel for the Uttaranchal.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Kailash Chandra Tewari, learned counsel for the petitioner and learned Standing Counsel who accepts notices for the respondents.

By means of this writ petition, the petitioner who was working as a 'Shikshak Bandhu' in Govt. Inter College Banlekh, District Bageshwar from the academic session of 2001 has prayed to issue a writ, order or direction in the nature of mandamus commanding the respondents to permit her to join on the post of 'Shikshak Bandhu' in the above Institution in pursuance of the Govt. order dated 01.07.2005.

Considering the shortage of teachers in the State of Uttaranchal, a Govt. Order was issued on 2nd July 2001 for engagement of qualified candidates as a 'Shikshak Bandhu' against the posts of L.T. Grade Teachers and Lecturers in the various Institutions of the State whether the posts were vacant. In pursuance of the aforesaid Govt. Order, an advertisement was issued by the District Inspector of Schools, Bageshwar for

engagement of L.T. Grade Teachers and Lecturers as 'Shikshak Bandhu' in different subjects under the scheme in regard to district Bageshwar. The posts of Lecturers in Physics, Chemistry and English were vacant in Govt. Inter College, Banlekh district Bageshwar for which the petitioner had applied and was selected to be engaged as 'Shikshak Bandhu'. The petitioner had joined in the said Institution to teach Chemistry in Inter Classes for the Academic Session of 2000-2001. The engagement of the petitioner continued till the academic session of 20004. On 1st July 2005, the Addl. Secretary, State of Uttaranchal passed an order explaining the term of engagement in regard to the 'Shikshak Bandhu' engaged earlier in various schools and colleges by which extension was provided to them till the end of academic session of 2005-06.

Counsel for the petitioner has contended that in spite of the Govt. Order dated 1st July 2005; the petitioner is not being permitted to continue as 'Shikshak Bandhu' in Govt. Inter College, Benlekh to teach Chemistry. Aggrieved by the action of the respondents, the petitioner has filed the present writ petition.

The respondents have filed counter affidavit in which they have taken stand that there is no student available in Class-11 and 12 in Science Group in Inter College, Benlekh, district Bageshwar and, as such, the petitioner was not permitted to continue as 'Shikshak Bandhu'. The petitioner was initially engaged as 'Shikshak Bandhu' to perform duties of Lecturer Chemistry to teach Inter Classes. Learned counsel for the petitioner has submitted that since the session 2000-2001 when the petitioner was engaged as 'Shikshak Bandhu' there is no student available in Inter Classes in Science Group, therefore, the petitioner was directed to teach Science Classes of 9th & 10th . For the last 3 to 4 Sessions the petitioner is teaching

Science subject to Classes 9th & 10th, however he has not been permitted to continue for the session 2005-2006 and has been denied the benefit of Govt. Order dated 1st July 2005.

It is strange that the District Inspector of Schools, Bageshwar as well as the Principal, Govt. Inter College, Benlekh have permitted the petitioner for the last 4 sessions without there being any students in the College in Class 11 in Science Group, though the petitioner was engaged to teach Chemistry in Inter Classes. The petitioner too did not care and has not applied elsewhere knowingly the fact that he has been engaged to teach in Inter Classes and in the schools where he has been engaged no student is available in Inter Classes in Science Group to whom he could teach.

In any case, since the petitioner was continued till the session 2004, he has been deprived of the benefit of Govt. Order dated 1st July 2005. The petitioner cannot be permitted to continue to teach Inter Classes in Science Group In that School where no student is available. However, considering the fact that the petitioner had continued till 2004 as 'Shikshak Bandhu', the petitioner is permitted to make a representation to the District Education Officer, Bageshwar and the District Education Officer shall consider the case of the petitioner and shall permit him to join in any Institution where the post of Lecturer Chemistry is required. Incase, any post of L.T. Grade Teacher is vacant in any of the Institution in the district, the petitioner is agree to join against that post as 'Shikshak Bandhu'.

Accordingly, the writ petition is disposed of with the following directions.

The petitioner shall make representation to the District Education Officer, Bageshwar within a period of ten days from today and the District Education Officer shall take final decision on the

representation of the petitioner within a period of two weeks from the date of production of certified copy of this order, alongwith, the representation.

(M.M. Ghildiyal, J.)

September 19, 2005.
NCM: